

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WAVEFORM TELEMEDIA, INC.,

PLAINTIFF,

ANSWER TO COUNTERCLAIM

-against-

PANORAMA WEATHER NORTH AMERICA, INC,  
SITOUR, NORTH AMERICA d/b/a SITOUR USA,  
and RECREATION RESORT NETWORK, INC,

07 Civ 10669

DEFENDANTS.  
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COMES NOW, Plaintiff, WAVEFORM TELEMEDIA, INC, by its  
undersigned attorneys, and files this within *Answer to Counterclaim* stating as  
follows:

1. Plaintiff denies the allegations set forth in paragraph numbered "13"  
of the counterclaim.

### **AFFIRMATIVE DEFENSES**

Defendants' claims may be barred in whole or in part by the following  
additional affirmative defenses:

#### **AS FOR THE FIRST AFFIRMATIVE DEFENSE:**

Defendants' counterclaim is barred for failure to state a claim upon which  
relief can be granted.

#### **AS FOR THE SECOND AFFIRMATIVE DEFENSE:**

Defendants' counterclaim is barred by claim preclusion, issue preclusion  
and estoppel.

AS FOR THE THIRD AFFIRMATIVE DEFENSE

Defendants' counterclaim is barred by acts and omissions of non-parties.

AS FOR THE FOURTH AFFIRMATIVE DEFENSE:

Defendants' counterclaim is barred by fraud and/or the concealment of facts.

AS FOR THE FIFTH AFFIRMATIVE DEFENSE:

Defendants' counterclaim is barred by laches.

AS FOR THE SIXTH AFFIRMATIVE DEFENSE:

Defendants' counterclaim is barred by unclean hands/good faith and fair dealing.

AS FOR THE SEVENTH AFFIRMATIVE DEFENSE:

Defendants counterclaim is barred by expiration of any applicable statute of limitations.

WHEREFORE, Plaintiff WaveForm Telemedia, Inc. hereby prays:

That this Court enter judgment in favor of Plaintiff and against Defendants on Defendants sole counterclaim and that this Court grant such further relief as deemed just and proper

Dated: January 18, 2008

Respectfully Submitted:

Huff Wilkes, LLP

By: 

John Loveless, Esq. (JJL8715)  
Attorneys for Plaintiff  
200 White Plains Road  
Tarrytown, New York 10591  
(914)-631-1500

To: Dana Blackmon, Esq.  
Rusk, Wadlin, Heppner and Martuscello, LLP  
255 Fair Street  
P.O. Box 3356  
Kingston, New York 12402